## REMARKS

[Text]. Applicants have carefully reviewed the arguments presented in the Office Action and respectfully request reconsideration of the claims in view of the remarks presented below.

In the aforesaid Office Action, claims 1-5, 9, 16, and 25-29 were allowed, claims 17-19, 21 and 23 were rejected under 35 USC 112, second paragraph, claims 30-33, and 37-46 were rejected under 35 U.S.C. § 102(b) as being anticipated by or, in the alternative, under 35 U.S.C. § 103(a) as obvious over Estrada et al. (U.S. Patent No. 6,193,686), claims 30-33, and 37-46 were rejected under 35 U.S.C. § 102(b) as being anticipated by or, in the alternative, under 35 U.S.C. § 103(a) as obvious over Happ et al. (U.S. Patent No. 6,575,958), claims 30-33, 37-46 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Verbeek (U.S. Patent No. 5,690,613) in view of Rau et al. (U.S. Patent No. 6,024,722) and in view of Samuelson et al. (U.S. Patent No. 6,165,166). Claims 1-5, 9, 17-19, 21, 23-33, 35, 37-40, and 42-46 are pending (claims 16 and 41 being cancelled by this amendment).

Regarding claim 30, Applicants have amended claim 30 to require that the polymeric reinforcing tube defines along its entire length an inner-most surface of the shaft extending along the inflation lumen. Therefore, Applicants submit that the rejections to claims 30-33, and 35 are overcome.

Regarding claim 43, Applicants have amended claim 43 to set forth that the proximal tubular member must have at least a portion which defines an inner-most surface of the shaft and which is located proximal to the polymeric tubular reinforcing member, so that the proximal tubular member defines a proximal portion of the inflation lumen (and the polymeric tubular reinforcing member is within the proximal tubular member). In contrast, in Estrada et al., Happ et al., and Verbeek, the reinforcing tubular member is not within a tubular member, having a portion which is 1) located proximal to the polymeric reinforcing member and 2) which defines an inner-most surface of the shaft. Specifically, in Estrada, the reinforcing tubular member 27 is only within jacket 21, and jacket 21 does not have a portion which defines an inner-most surface of the shaft

(rather, the high strength tubular member 20 defines inner-most surface to thereby define the inflation lumen). Similarly, in Happ et al., the reinforcing tubular member 130 is not within a tubular member having a portion which is both located proximal to the reinforcing tubular member and which defines an inner-most surface of the shaft to thereby define a proximal portion of the inflation lumen. In Verbeek, the tubular reinforcing members 13/17 are on an outer surface of the proximal tubular member 50, and therefore are not within the proximal tubular member as required by claim 43. Although the tubular reinforcing members 13/17 of Verbeek are within distal shaft 80, the distal shaft 80 does not have a portion which is both proximal to the reinforcing members 13/17 and which defines an inner-most surface of the shaft to thereby define a proximal portion of the inflation lumen, as required by claim 43. Moreover, claim 43 requires that the reinforcing tubular member extends across the guidewire proximal port. In contrast, in Verbeek the tubular reinforcing members 13/17 are located distal to the guidewire proximal port 95.

Moreover, regarding Verbeek in view of Rau and Samuelson, Samuelson et al. does not disclose or suggest that the inner layer has a higher glass transition temperature than the outer layer. Rather, Samuelson et al. explicitly discloses that the inner layer has the lowest glass transition temperature. In contrast, the embodiment set forth in Applicant's claim 43 calls for a reinforcing member within a portion of the proximal tubular member having a higher glass transition temperature than the proximal tubular member (i.e., the inner layer has the higher glass transition temperature).

Regarding claim 37, Applicants have amended claim 37 to clarify that the proximal tubular member must have at least a portion which, firstly, defines an inner-most surface of the shaft and which, secondly, is located proximal to the polymeric tubular reinforcing member, so that the proximal tubular member defines a proximal portion of the inflation lumen (and the polymeric tubular reinforcing member is within the proximal portion of the inner tubular member or the distal portion of the proximal tubular member). The references do not disclose or suggest reinforcing tubular members so configured.

Regarding claim 46, although Samuelson discloses using different polymers with different glass transition temperatures, Samuelson discloses that the layers of the multilayered tube are preferably comprised of materials with glass transition temperatures that are substantially similar so as to facilitate coextrusion and to help reduce the tendency of undue stress to build between the layers in the resultant tubing. In contrast, claim 46 sets forth glass transition temperatures of the first and second polymeric materials (with a substantial difference therebetween such that the glass transition temperature of the first material is not substantially similar to the glass transition temperature of the second material).

The Examiner rejected claims 17-19, 21 and 23 under 35 USC 112, second paragraph, stating that the claimed structure is not possible, in that for example, claim 17 claims a mandrel that extends to the inner surface of the polymeric reinforcing member, and therefore would conflict with claim 1 which claims the polymeric reinforcing member has an inner most surface along the entire length of the tubular reinforcing member. However, as recited in the claims, the shaft is the element having an inflation lumen and a guidewire lumen, and the mandrel is an element added to the shaft, (and therefore does not change which components of the shaft define an inner-most surface of the shaft). Moreover, claim 1 is amended to clarify that the inner-most surface of the shaft (defined by the polymeric tubular reinforcing member) defines the circumferential perimeter of the inflation lumen. In contrast, a mandrel inserted into the inflation lumen does not define the circumferential perimeter of the inflation lumen. The Examiner's attention is directed to Fig. 3, illustrating an embodiment of the invention having a polymeric reinforcing tubular member 32 defining an inner-most surface of the elongated shaft extending along and defining the circumferential perimeter of the inflation lumen 20 (see Fig. 1), with a mandrel 36 extending along an inner surface of the polymeric reinforcing member 32.

Applicants wish to bring to the attention of the Patent Office the references listed on the attached PTO-1449, and request that they be considered by the Examiner. Copies of U.S. patent references are omitted pursuant to 1287 Off. Gaz. Pat. Off. 163,

10/19/2004: "Section 1.98(a)(2)(i) is amended to eliminate the requirement in paragraph (a)(2)(i) for a copy of each U.S. patent or U.S. patent application publication listed in an IDS in a patent application regardless of the filing date of the application."

This statement is not a representation that all of the information cited is necessarily effective as prior art against the present application or that a prior art search was performed.

This Information Disclosure Statement is being submitted pursuant to 37 CFR 1.97(b)(4), and therefore no fee is due.

In view of the foregoing, it is respectively urged that all of the present claims of the application are patentable and in a condition for allowance. The undersigned attorney can be reached at (310) 824-5555 to facilitate prosecution of this application, if necessary.

In light of the above amendments and remarks, Applicants respectfully request that a timely Notice of Allowance be issued in this case.

Respectfully submitted,

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